

June 30, 2009

As you know, City workers represented by the Canadian Union of Public Employees (CUPE) Local 79 and the Toronto Civic Employees' Union Local 416 (CUPE) began legal strike action against the City at 12:20 a.m. Monday, June 22, 2009. The City has implemented its contingency plan to continue essential services.

The City wants to reach a negotiated settlement with each local as this is the best way to maintain a positive workplace and provide the best service delivery for residents and businesses. The City continues to believe that the collective agreements being negotiated must be fair to employees, affordable to Torontonians and contain the flexibility required to continue to provide the vast number of services the City delivers within Toronto's many diverse communities.

Further to my letter of June 22, 2009 which set out Toronto Building's established processes in response to the strike addressing our limited level of service and construction proceeding in accordance with permits issued, we have now expanded our processes to address additional matters which have since arisen pertaining specifically to the occupancy of buildings and construction and/or demolition that proceeds without the benefit of a permit.

Occupancy of Buildings

Pursuant to the Ontario Building Code, a permit from the chief building official or her designate is required before a building, or part of it, that has not been fully completed may be occupied (except in the case of a residential building that meets the provisions of article 1.3.3.2 of Division C of the Building Code). During the strike, Toronto Building is unable to accept applications for partial occupancy permits, carry out inspections of unfinished buildings with a view to allowing occupancy, or issue such partial occupancy permits. However, should an unfinished building be occupied where a permit is otherwise required in any event during the labour disruption due to prevailing circumstances, Toronto Building will require that documentation from the owner / permit holder be submitted immediately after the strike ends and normal City services resume certifying that all the requirements set out in sentence 1.3.3.1(2) of Division C of the Ontario Building Code were satisfied prior to the date of occupation. The documentation provided must be certified by a professional engineer, architect or registered designer qualified for the particular building type pursuant to the provisions of the Ontario Building Code. Where Toronto Building is not satisfied that there has been compliance with the requirements of sentence 1.3.3.1(2) of Division C of the Ontario Building Code, inspectors may issue Orders or take whatever enforcement action is necessary to achieve compliance with the Building Code.

No separate permit is required to occupy a building where all the construction has been completed. Section 11 of the *Building Code Act* requires that notice of the date of completion of the building must be given to the chief building official, that the building must be inspected or 10 days must elapse after notice of the date of completion is served on the chief building official, and that any order made under section 12 must be complied with prior to occupying the building. During the strike, Toronto Building is unable to accept and process notices of completion and is unable to carry out the necessary inspections with a view to allowing occupancy. If a completed building authorized by permit is occupied during the strike, Toronto Building will require that documentation from the owner

/ permit holder be submitted immediately after the strike ends and normal City services resume certifying that the construction was completed in accordance with the approved permit plans and in compliance with the Ontario Building Code and that the building was accordingly suitable for occupancy. If any Orders had been issued by Toronto Building pursuant to section 12 of the *Building Code Act* prior to the strike, the documentation submitted must include certification that there has been compliance with said Orders and must provide details regarding the manner in which compliance was achieved. The documentation provided must be certified by a professional engineer, architect or registered designer qualified for the particular building type pursuant to the provisions of the Ontario Building Code. Where Toronto Building is not satisfied that there has been compliance, inspectors may issue Orders or take whatever enforcement action is necessary to achieve compliance with the Building Code.

Construction / Demolition Without the Benefit of a Permit

The *Building Code Act* provides that no person shall construct or demolish a building or cause a building to be constructed or demolished unless a permit has been issued therefor by the chief building official. Should it come to the attention of Toronto Building that construction or demolition has proceeded during the labour disruption without the benefit of a permit, Toronto Building will issue Orders or take whatever enforcement action it deems necessary immediately following the completion of the labour disruption including but not limited to requiring that a permit be applied for and obtained, requiring reports from qualified professionals / persons certifying that the construction complies with the Ontario Building Code and any other applicable law, and/or possibly requiring the removal of the construction.

For further clarification, please see the attached questions & answers for your assistance.

We will make every effort to keep you informed of events that may affect your operations. General information is available on the City of Toronto's website at www.toronto.ca and from Access Toronto at 416-338-0338 or accesstoronto@toronto.ca.

We realize that our clients, customers, suppliers and service providers may be inconvenienced. Every effort has been made to reduce the anticipated disruption of the strike through advance planning and concentration of available resources into critical services. We strongly recommend that you consider contingency plans as appropriate for your situation.

Thank you for your understanding.

Yours truly

V. Ann Borooah
Chief Building Official and Executive Director
Toronto Building